

## EDUCATION DEPARTMENT[281]

### Notice of Intended Action

#### **Proposing rule making related to summer college credit program and providing an opportunity for public comment**

The State Board of Education hereby proposes to amend Chapter 22, “Senior Year Plus Program,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 256.7(5).

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, 2017 Iowa Acts, chapter 172, section 50, paragraph 12C, as enacted by 2018 Iowa Acts, Senate File 2415, section 4.

#### *Purpose and Summary*

Proposed rule 281—22.33(261E) implements 2017 Iowa Acts, chapter 172, section 50, paragraph 12C, as enacted by 2018 Iowa Acts, Senate File 2415, section 4, which appropriates \$600,000 in the current fiscal year for the Department to create a summer college credit program to be made available to eligible high school students in grades 9 through 12 during the summer months under the Future Ready Iowa Initiative. Rule 281—22.33(261E) establishes a policy framework for these programs, including minimum components for a program; a department review process; a funding mechanism; and student, course, and institution eligibility criteria. The rule is also consistent with the requirements of Iowa Code section 261E.8(7A) as enacted by 2018 Iowa Acts, House File 2458, section 14, which will become effective on July 1, 2019.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

An agencywide waiver provision is provided in 281—Chapter 4.

#### *Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 8, 2019. Comments should be directed to:

Nicole Proesch  
Department of Education  
Grimes State Office Building, Second Floor  
Des Moines, Iowa 50319-0146  
Phone: 515.281.8661  
Email: [nicole.proesch@iowa.gov](mailto:nicole.proesch@iowa.gov)

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

January 8, 2019  
3 to 4 p.m.

State Board Room, Second Floor  
Grimes State Office Building  
East 14th Street and Grand Avenue  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Adopt the following new rule 281—22.33(261E):

#### **281—22.33(261E) Summer college credit program.**

**22.33(1) *Program established.*** A summer college credit program is established to expand access for high school students to high-quality career and technical education experiences aligned with career pathways leading to postsecondary credentials and high-demand jobs. Programs approved under subrule 22.33(3) shall be offered during the summer term of an eligible postsecondary institution.

**22.33(2) *Type of coursework offered.*** The following provisions apply to coursework delivered through an approved program under this rule.

*a.* Coursework eligible to be offered through an approved program under this rule shall be technical core coursework within and prerequisite coursework for a career and technical education program approved under 281—subrule 21.4(3).

*b.* The career and technical education program shall be aligned to in-demand occupations identified by the state workforce development board and community colleges pursuant to Iowa Code section 84A.1B(13A) as enacted by 2018 Iowa Acts, House File 2458.

*c.* Coursework delivered under this rule shall comply with the course requirements established under Iowa Code section 257.11(3). The course shall be ineligible for supplementary weighting under that section.

*d.* The credit earned by a student who successfully completes a course under this rule shall not apply toward full-time enrollment defined under rule 281—22.6(261E).

**22.33(3) *Program proposals.*** The department shall establish an annual process for the submission and review of proposals for summer college credit programs. A postsecondary institution eligible to offer programming under division IV of this chapter may submit program proposals to the department.

*a. Minimum components.* The proposal shall detail the following components.

(1) A program description, including the course or courses to be made available through the program; total number of credit hours; additional cocurricular experiences and activities including project-, problem-, and work-based learning opportunities; additional support services to be made available through the program; and any other pertinent program information.

(2) All minimum and required costs associated with offering the program, including, but not limited to, instructor salary, materials and supplies, and overhead costs.

(3) The total number of students that the program is capable of serving.

(4) Any additional components and expenses built into the program, including but not limited to student transportation, academic supports, and extracurricular experiences.

(5) The start date and duration of the program. Programs approved under this rule shall have a start date no later than the second Friday in June of each year.

*b. Enrollment threshold.* The postsecondary institution will propose, and the department will approve, a minimum program enrollment threshold. Programs that surpass the minimum enrollment threshold shall be eligible for funding under paragraph 22.33(4) “b.”

*c. Review of proposals.* The department shall establish a review process to evaluate all program proposals. In reviewing proposals, the department shall give priority consideration to program proposals that will ensure equitable geographic disbursement of approved programs. The department shall also give consideration to additional criteria including number of students served; cost per credit hour offered; alignment to in-demand occupations; the inclusion of extracurricular experiences with an emphasis on project-, problem-, and work-based learning opportunities; and the inclusion of provisions that address and remove barriers to participation for nontraditional students, underrepresented minority students, and low-income students.

*d. Funding of proposals.* A program proposal approved under this rule shall be funded under paragraph 22.33(4) “a” for the amount described under paragraph 22.33(3) “a.”

**22.33(4) Disbursement of funds.** Subject to the appropriation of funds, the department shall disburse funds to a postsecondary institution offering an approved program in the following manner. All funds received under this rule shall be used to support and sustain the approved program.

*a. Base funding.* Not more than one-half of the total allocation shall be made available to fund proposals approved under subrule 22.33(3).

*b. Enrollment.* Any funds not distributed under paragraph 22.33(4) “a” shall be distributed to postsecondary institutions offering an approved program with student enrollment greater than the minimum enrollment threshold.

(1) An approved program shall gather a count of students enrolled in the program on the third day following the start date of the program. The count of students enrolled in the program shall be submitted to the department in a manner prescribed by the department.

(2) Enrollment funding shall be calculated by the department for each program with enrollment greater than the minimum enrollment threshold. For purposes of this rule, the portion of enrollment funding to be received by a postsecondary institution offering an approved program shall be equal to the total number of credits for all student enrollment in the approved program divided by the total number of credits for all student enrollments statewide.

*c. Subsequent years.* In each of the subsequent three years following the implementation year, the portion of the allocation distributed based on enrollment shall increase by 10 percent each year until the minimum amount awarded based on enrollment is equal to 80 percent of the total allocation.

**22.33(5) Availability.** A postsecondary institution offering an approved program shall enter into a contract with a school district interested in making the program available to eligible students of the school district. The program shall be made available to any eligible student from a participating school district. An institution offering programming to a student under this rule shall comply with the requirements of division IV of this chapter.

*a. Student eligibility.* To participate in an approved program, a student shall comply with the criteria established under rule 281—22.2(261E).

*b. Teacher eligibility.* A teacher assigned to provide instruction under this rule shall comply with the criteria established under rule 281—22.3(261E) and be a community college-employed instructor.

*c. Institutional eligibility.* Institutions offering an approved program under this rule shall comply with the criteria established under rule 281—22.4(261E).